

in violation of the Food and Drugs Act as amended: The article was labeled in part: "Armour's Cloverbloom Full Cream Butter \* \* \* 1 Lb. Net Weight."

It was alleged in the libel that the article was misbranded in that the statement on the label, "1 Lb. Net Weight", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement of weight was incorrect.

On July 28, 1933, Armour & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act, and all other laws. The article was reprinted in full 1-pound prints.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21397. Adulteration of cauliflower. U. S. v. A Quantity of Cauliflower. Default decree of destruction.** (F. & D. no. 30911. Sample no. 42649-A.)

This case involved a quantity of cauliflower which was found to bear arsenic in an amount which might have rendered it injurious to health.

On July 28, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of a quantity of cauliflower at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce, on or about July 20, 1933, by the Western Vegetable Distributors, from Denver, Colo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Rosa Del Rancho [Rose of the Ranch] Brand Colorado Cauliflower, Western Vegetable Distributors, \* \* \* Denver, Colo."

It was alleged in the libel that the article was adulterated in that it contained arsenic, an added poisonous or deleterious ingredient, which might have rendered it injurious to health.

On September 25, 1933, no claimant having appeared for the property, judgment was entered nunc pro tunc as of July 29, 1933, ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21398. Misbranding of canned salmon. U. S. v. 57 Cases, et al., of Canned Salmon. Decree of condemnation and forfeiture. Product released under bond to be relabeled.** (F. & D. no. 30800. Sample nos. 22259-A, 22260-A.)

This case involved quantities of canned salmon which was labeled to convey the impression that it was red salmon, and which was in fact coho or medium red salmon.

On August 1, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 136 cases of canned salmon at St. Paul, Minn., alleging that the article had been shipped in interstate commerce by the Kelley-Clarke Co., from Seattle, Wash., in part on or about January 11, 1933, and in part on or about March 20, 1933, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Serv-Well brand selected medium Red Salmon \* \* \* Distributed by Twin City Wholesale Grocer Co., St. Paul and Minneapolis, Minn." The words "Red Salmon" were emphasized and the word "medium" was in smaller, less conspicuous type.

It was alleged in the libel that the article was misbranded in that the emphasized statement "Red Salmon", borne on the label, was false and misleading and deceived and misled the purchaser.

On September 11, 1933, the respondent and claimant having admitted the material allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$150, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*